

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 24, 2003

**D041756        In re Bastida on Habeas Corpus**

The petition is denied.

**D040468        Elgindy v. Tyson et al.**

The appeal is dismissed for failure to comply with court orders to answer post-judgment interrogatories.

**D041659        Lloyd et al. v. Union Bank of California et al.**

Pursuant to California Rules of Court, rule 8, the appeal filed January 31, 2003, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

**D041837        Green v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 25, 2003

**D040888        People v. Flores**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040951        In re Jason T. et al., Juveniles**

The judgments are affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Benke, J.

**D039254        Pick, as Trustee, etc., et al. v. City of San Diego**

The judgment is affirmed. The City is awarded costs on appeal. McConnell, J.;  
We Concur: Nares, Acting P.J., Aaron, J.

**D037735        People v. Crayton**

The judgment is affirmed except as to count six, for which count the judgment is reversed. Haller, J.;  
We Concur: Kremer, P.J., McConnell, J.

**D039849        Encinitas Country Day School, Inc., et al. v. City of Encinitas**

The request for publication of the opinion is denied. The request for rehearing is denied.

**D040564        People v. Medina**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040641        In re Colleen M., a Juvenile**

The judgment terminating parental rights is reversed and the matter remanded to the juvenile court for a  
new section 366.26 hearing to be held at the earliest possible date. At the new hearing, only Mother  
should be allowed to present evidence on the sibling relationship exception. McConnell, J.;  
We Concur: Kremer, P.J., Benke, J.

**D040876        In re Hannah V., a Juvenile**

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Nares, J.

**D039803        Estate of Rachel Deen, Deceased**

The appeal is dismissed.

**D041807        Rachel R., a Minor, etc. v. Superior Court of San Diego County/Ramona Unified  
School District et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 26, 2003

**D039942        People v. Keefe**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D041103        In re S. G., Juveniles**

The orders are affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

**D039446        Mageno v. Sawyer**

The order is affirmed. Kremer, P.J.; We Concur: Haller, J., McConnell, J.

**D040135        In re Jenna S., a Juvenile**

The appeal is dismissed. The petition for extraordinary relief is denied. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D039475        People v. Truett**

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D039240        Norman v. Life Care Centers of America, Inc., et al.**

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. The appellant shall recover her costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D039236        People v. Allman**

The judgment (order denying conditional release) is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D039417        Schwartz v. Muller**

The petition for rehearing is denied.

**D041823        Alliance Mortgage Company v. Superior Court of San Diego County/Shames**

The petition is denied.

**D039993        Estate of Francis Robert Bamford, Deceased**

The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 27, 2003

**D041579      Alicia R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

**D039242      Grubaugh et al. v. Tri-City Healthcare District et al.**

The order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Benke, J.

**D039485      The People Ex Rel. Bill Lockyer, as Attorney General, etc. v. R.J. Reynolds Tobacco Company**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Kremer, P.J.; We Concur: Haller, J. McDonald, J.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Judith McConnell

Clerk: D. E. Moore

**D041129      In re Sharay M.**

Cause called on merits. Kathleen M. Mallinger, Esq. argued for petitioner, Ray M. Susan Bookout, Esq. argued for petitioner, Lucille S. Gary Seiser, Deputy County Counsel argued for respondent. Ms. Mallinger replied. Cause submitted.

Court adjourned at 10:55 a.m.

**D039354      Grabowski v. Chandler Asset Management**

We reverse the trial court's determination that Chandler owed no penalty under Labor Code section 203 and remand to the trial court to determine the amount of the penalty Chandler must pay. We affirm the judgment in all other respects. The parties to pay their own costs on appeal. O'Rourke, J.; We Concur: Kremer, P.J., Haller, J.

**D035096      People v. Creasy**

**D028235      In re Creasy on Habeas Corpus**

The petition for rehearing is denied.

**D039686      James et al. v. City of Coronado et al.**

The petition for rehearing is denied.

**D039847      People v. Turner**

The petition for rehearing is denied.

**D040162      Alpha Mechanical, Heating & Air Conditioning, Inc. v. Division of Labor Standards Enforcement**

Upon written request filed by the parties to the appeal, the appeal is dismissed.

FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 27, 2003 (Continued)

**D041850          Justice v. Superior Court of San Diego County/Wells Fargo Bank et al.**

The petition is denied.

**D041488          Kuwait Real Estate Company et al. v. Superior Court of San Diego County/Zakkout**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 28, 2003

**D041155        People v. Espinoza**

Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Nares, J.

**D041846        In re Jorge Tenorio Taitano on Application for Bail Pending Appeal**

The application is denied.

**D040440        In re Justice C., a Juvenile**

The petition for rehearing is denied.

**D038460        Graham et al. v. Block**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear their own costs on appeal.

**D041744        Financial Federal Credit, Inc. v. Superior Court of San Diego County/Stines  
Machine, Inc.**

At the request of petitioner, the petition for writ of mandate is dismissed.

**D040582        People v. Jones**

Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

**D039876        In re the Marriage of Dawe**

The judgment is reversed and the matter remanded to the trial court with directions that it reconsider the parties' date of separation and the characterization of the *Boykin* annuity and prepare a new statement of decision in accordance with this opinion. O'Rourke, J.; We Concur: Kremer, P.J., Benke, J.

**D040451        People v. Ross**

The judgment is modified by deleting probation conditions 7. g., j., and l. As so modified, the judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

**D040334        Adoption of Michael B., a Minor**

The appeal is dismissed as moot. McDonald, J.; We Concur: Kremer, P.J., Haller, J.

**D041843        Estate of Evelyn Ruth Shockey, Deceased**

The appeal is dismissed.

**D041830        Kelly v. Superior Court of San Diego County/McEwan et al.**

The petition is denied.

**D041867        Sphere Drake/Odyssey Re Bermuda Management et al. v. Superior Court of San  
Diego County/Santos et al.**

At the request of petitioners, the petition for writ of mandate is dismissed.